

SEVENTIETH DAY

Continued

(Tuesday, June 3, 1941)

The Senate met at 10:00 o'clock a. m., and was called to order by the President.

Reports of Standing Committee

Senator Moore, by unanimous consent, submitted at this time the following reports:

Committee Room,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 72, Granting A. T. Mast and H. R. Mast permission to sue the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 69, Granting R. W. Dillard and wife, Lillian Dillard, permission to sue the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 71, Granting A. T. Mast permission to sue the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Senate Concurrent Resolution 74

Senator Smith offered the following resolution:

S. C. R. No. 74, Fixing hour for adjournment sine die.

Be it Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Regular Session of the Forty-seventh Legislature of the State of Texas do stand adjourned sine die on Tuesday, June 10, 1941, at 12:00 o'clock noon.

SMITH,
MOFFETT.

The resolution was read.

Senator Moore moved the previous question on the resolution, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—13

Beck	Moore
Fain	Ramsey
Hazlewood	Shivers
Isbell	Smith
Lanning	Stone
Lovelady	Weinert
Moffett	

Nays—15

Aikin	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Sulak
Formby	Vick
Graves	Winfield
Kelley	York
Lemens	

Absent

Van Zandt

Absent—Excused

Hill

Spears

Senator Metcalfe offered the following amendment to the resolution:

"Amend S. C. R. No. 74 by changing the date to Thursday, June 12th."

Senator Hazlewood offered the following substitute for the amendment:

Amend substitute amendment for Metcalfe amendment to S. C. R. No. 74 by changing the date to "Saturday, June 7."

Senator Brownlee moved the previous question on the substitute, the amendment and the resolution, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—14

Beck	Moore
Brownlee	Ramsey
Fain	Shivers
Hazlewood	Smith
Isbell	Spears
Lovelady	Stone
Moffett	Weinert

Nays—14

Aikin	Martin
Chadick	Mauritz
Cotten	Metcalf
Formby	Sulak
Graves	Vick
Kelley	Winfield
Lanning	York

Absent

Lemens	Van Zandt
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Absent—Excused

Hill

Pending debate on the substitute Senator Shivers raised the point of order that the resolution and amendments offered thereto are not debatable.

The President overruled the point of order.

Question first recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—18

Aikin	Moffett
Beck	Moore
Brownlee	Ramsey
Chadick	Shivers
Hazlewood	Smith
Isbell	Spears
Lanning	Stone
Lovelady	Weinert
Martin	Winfield

Nays—11

Cotten	Mauritz
Fain	Metcalf
Formby	Sulak
Graves	Vick
Kelley	York
Lemens	

Absent

Van Zandt

Absent—Excused

Hill

Question next recurring on the amendment as substituted, it was adopted.

Question then recurring on the resolution as amended, it was adopted.

Message from the House

A Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. C. R. No. 73, Authorizing the Engrossing Clerk of the House of Representatives to make certain changes in H. B. No. 983. With amendments.

S. B. No. 469, A bill to be entitled "An Act amending S. B. No. 409, Chapter 53, page 64, of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, relating to the 'County Court of Galveston County at Law,' transferring the jurisdiction of this court to the county court of Galveston County; providing for additional compensation for the county judge and county clerk; and declaring an emergency."

With amendments.

The House has tabled S. C. R. No. 64, providing for sine die adjournment on June 3, 1941 by a vote of 73 yeas and 55 nays.

The House has concurred in Senate amendments to H. B. No. 32 by a vote of 112 Yeas 8 Noes.

The House has concurred in Senate amendments to H. B. No. 361 by a vote of 76 Yeas 40 Noes.

The House has concurred in Senate amendments to H. B. No. 620 by a vote of 109 Yeas 8 Noes.

The House has concurred in Senate amendments to H. C. R. No. 155 by a vote of 111 Yeas 0 Noes.

The House has concurred in Senate amendments to H. B. No. 990 by a vote of 124 Yeas 0 Noes.

The House has concurred in Senate amendment to H. B. No. 971 by a vote of 124 Yeas 0 Noes.

The House has concurred in Senate amendments to H. B. No. 821 by a vote of 106 Yeas 12 Noes.

The House refused to concur in Senate amendments to H. B. No. 670 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Thornton, Reed of Bowie, Kennedy, Hanna, and Eubank.

The House refused to concur in Senate amendments to H. J. R. No. 23 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Brawner, Gilmer, McNamara, Boone and Moore.

The House has passed the following bills and resolution:

H. C. R. No. 184, Authorizing the Speaker of the House and the President of the Senate to appoint a Committee of three (3) House Members and two (2) Senate Members to work in conjunction with our Governor and other agencies of our governmental body in an effort to come to an agreement on H. B. No. 941.

H. B. No. 1069, A bill to be entitled "An Act prescribing the time of meeting of the county board of school trustees in counties containing a population of not less than forty-eight thousand and eight hundred (48,800) and not more than fifty thousand and four hundred (50,400) inhabitants according to the last preceding Federal Census, the meeting place of said board, the compensation to be paid each county school trustee, and the fund out of which said compensation shall be paid; providing that this Act shall be cumulative of all existing laws on this subject when not in conflict and when in conflict the provisions of this Act shall control; repealing all laws in conflict; and declaring an emergency."

H. B. No. 1070, A bill to be entitled "An Act providing that it shall be lawful to kill quail in Van Zandt County only on Monday, Wednesday, and Saturday of each week after the first day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time for each year thereafter on the same days of the week; providing the number of quail that can be killed on any one day; prescribing violations of this Act and providing the penalties therefor; repealing all laws in conflict herewith and ex-

pressly repealing H. B. No. 949, Regular Session of the Forty-seventh Legislature; and declaring an emergency."

The House has passed notwithstanding the veto of the Governor:

H. B. No. 828, A bill to be entitled "An Act amending Sections 3, 5, 6, 7 and 9 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, relative to the powers of the San Jacinto River Conservation and Reclamation District; providing for the appointment, terms, salary, rights, powers and duties of the Board of Directors of said district; fixing the boundaries and domicile of said district; declaring the recurrent floods in the valley of the San Jacinto River to be a public calamity; repealing Section 11 of said Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, together with all other laws and parts of laws in conflict with the provisions of this Act; providing a saving clause and declaring an emergency."

By a vote of 104 ayes, 7 nays.

The House has granted the request of the Senate for the return of H. B. No. 894. (Bill attached)

The House has passed the following bills and resolution:

H. B. No. 1074, A bill to be entitled "An Act to amend Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 9, Chapter 282, Acts of the Forty-second Legislature, Regular Session, prescribing the rate and speed of motor or other vehicles upon the public highways of Texas, and within the corporate limits of an incorporated city or town, and within any town or village not incorporated; prescribing the rate of speed for a commercial motor vehicle, truck-tractor, trailer or semi-trailer; defining the terms 'daytime' and 'nighttime'; providing that no persons shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing and making unlawful the act of driving so as to wilfully obstruct traffic; authorizing the State Highway Commission to fix the maximum, reasonable and prudent speed under described circumstances upon the basis of an engineering and traffic investigation and requiring the Commission to give notice thereof by the erection of appropriate

signs; authorizing the governing bodies of incorporated cities and towns to fix the maximum speed within their jurisdiction under certain circumstances; requiring the charge of speed violations and the summons to specify the rate of speed at which the person charged was driving and the speed limit applicable thereto; providing that the provision of this Act shall not relieve the plaintiff in any civil action from the burden of proving negligence as the proximate cause of any accident; providing a savings clause, repealing all laws in conflict; and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act providing for the appointment of Grand Jury Bailiffs by the Judge of the Criminal District Court in any County having a population of not less than three hundred twenty-five thousand (325,000) inhabitants and not more than three hundred ninety thousand (390,000) inhabitants, according to the United States Census of 1940 and all future Federal Census; providing for the salaries of said Grand Jury Bailiffs, the method of payment, and the removal of said Grand Jury Bailiffs; providing certain expenses to be allowed for travel and in connection with the use of the automobiles for official business by said Grand Jury Bailiffs; repealing all laws in conflict; and declaring an emergency."

With amendments.

H. C. R. No. 186, Authorizing appointment of a Texas Committee to further Pan-American Relations.

The House has passed H. B. No. 286, notwithstanding the veto of the Governor by a vote of 86 ayes 34 nays.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Concurrence in House Amendments to Senate Bill 469

Senator Stone called S. B. No. 469 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Senator Stone moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

Concurrence in House Amendments to Senate Concurrent Resolution 73

Senator Chadick called S. C. R. No. 73 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate.

Senator Chadick moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

Resolution Signed

The President signed in the presence of the Senate, after its caption had been read, the following enrolled resolution:

H. C. R. No. 191, Declaring intent of the Legislature with respect to H. B. No. 933 of the Forty-sixth Legislature.

Executive Session

On motion of Senator Martin the Senate, at 11:00 o'clock a. m., went into executive session.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following reports of the Committee on Nominations of the Governor had been adopted by the Senate:

Committee Room,
Austin, Texas,
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Texas Prison Board for six year terms expiring February 2, 1947:

Wm. George Gilks of Dallas, Dallas County;

Riley Wyatt of San Antonio, Bexar County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Directors of the Guadalupe-Blanco River Authority:

For six year terms expiring February 1, 1947:

E. M. Cape of San Marcos, Hays County (reappointment);

B. B. Hoskins of Gonzales, Gonzales County (reappointment);

C. F. Combs of Cuero, De Witt County.

To fill the unexpired term of Joe P. Gibbs of Seguin, resigned, term expiring February 1, 1943:

D. C. Blumberg of Seguin, Guadalupe County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a Member of the Board of Regents of State Teachers Colleges:

To fill the unexpired term of A. H. Eubanks, deceased, term to expire January 10, 1943:

R. T. Craig of Athens, Henderson County, Texas.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
May 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Life Insurance Commissioner and Chairman of the Board of Insurance Commissioners, to fill the unexpired term of Walter Woodward, deceased, term to expire February 10, 1945:

O. P. Lockhart of Austin, Travis County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Pilot Commissioners for Galveston and Texas City:

For two year terms expiring April 15, 1943:

J. H. Langben of Galveston, Galveston County;

P. M. Gengler of Galveston, Galveston County;

A. W. Purdy of Galveston, Galveston County;

R. I. Cohen of Galveston, Galveston County;

E. V. Rhodes of Texas City, Galveston County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

The Secretary of the Senate also informed the Journal Clerk that the following reports of the Committee on Nominations of the Governor had been rejected by the Senate:

Committee Room,
Austin, Texas,
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be a Member of the Game, Fish and Oyster Commission, term to expire September 1, 1945:

Edwin C. Lacy of Longview, Gregg County.

To be a member of the Texas Prison Board for a six-year term expiring February 2, 1947:

W. O. Yarborough of Corpus Christi, Nueces County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Chairman of the Texas Liquor Control Board term to expire November 15, 1945:

Mrs. Claude D. Van Watts of Austin, Travis County.

Have had the same under consideration, and do recommend that she be in all things confirmed.

MARTIN, Chairman.

The President Pro Tempore called the Senate to order as in legislative session at 11:40 o'clock a. m.

House Concurrent Resolution 92

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 92 at this time.

The President Pro Tempore laid before the Senate for consideration at this time:

H. C. R. No. 92, Granting permission to Mrs. Mamie Scherrer and husband, Emil Scherrer, their heirs, executors, administrators, and assigns to bring suit against the State of Texas.

The resolution was read.

Senator Spears offered the following amendment to the resolution:

Amend H. C. R. No. 92 by inserting immediately before the last five words in such resolution, to-wit: "and it is so resolved," the following words:

"However, it is understood that the purpose of this resolution is to grant Mrs. Mamie Scherrer permission to bring suit against the State of Texas, and no admission of liability of the State of Texas is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

House Bill 828 Passed over Governor's Veto

Senator Fain submitted at this time the following motion:

Mr. President:

I move that the Senate reconsider H. B. No. 828 and that same be passed and become a law notwithstanding the objections and veto of the Governor.

FAIN.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Spears
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt

Vick
Weinert

Winfield
York

Absent—Excused

Hill

House Bill 871 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 871 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 871, A bill to be entitled "An Act granting consent by the State of Texas to Walter Garrison, Burt C. Cromwell and his wife, Lucille Cromwell; their heirs, executors and administrators, to file suit against the State of Texas and/or County of San Patricio and/or State Highway Department of Texas in the District Court of San Patricio County, Texas; and to impose liability on the State of Texas for the negligence of its agents, officers or representatives for damages proximately caused by such negligence to the above named claimants, growing out of an automobile accident on the public highway running from Sinton to Taft, Texas, and providing for process in such suit upon the Attorney General of Texas, and any judgment to be paid out of the State Highway Fund and from the monies received from motor vehicle registration fees; providing further that the invalidity of one part of the Act should not render invalid other provisions; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following amendments to the bill:

(1)

Amend H. B. No. 871 by striking out Section 5 thereof and inserting in lieu the following:

"However, it is to be understood that the purpose of this bill is to grant permission to said Walter Garrison, Burt C. Cromwell and his wife, Lucille Cromwell, their heirs, executors, and administrators to bring suit against the State of Texas, and no admission of liability of the State of Texas is made by this bill, and the facts as set out herein must be proved in court."

(2)

Amend the caption of H. B. No. 871 by striking therefrom the following words: "any judgment to be paid out of the State Highway Fund and from the moneys received from Motor Vehicle registration fees;" and inserting in lieu thereof: "providing that this Act shall constitute no admission of liability on the part of the State;"

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 871 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 871 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Isbell	Shivers
Kelley	Smith

Spears	Vick
Stone	Weinert
Sulak	Winfield
Van Zandt	York

Absent—Excused

Hill

Address of Hon. Bill Logan

The President Pro Tempore at this time presented Hon. Bill Logan, a Member of the State Senate of Oklahoma.

Senator Logan addressed the Senate briefly.

House Bill 894 Tabled

The President Pro Tempore laid H. B. No. 894 before the Senate on its final passage (the vote by which the bill was passed having heretofore been reconsidered).

On motion of Senator Aikin, the bill was tabled.

Conference Committee on Senate Bill 119

Senator Hazlewood called S. B. No. 119 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate.

Senator Hazlewood moved that the Senate concur in the House amendments.

Senator Aikin moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

Senator Hazlewood moved to table the motion of Senator Aikin.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10

Brownlee	Shivers
Hazlewood	Spears
Lemens	Stone
Metcalfe	Van Zandt
Ramsey	Vick

Nays—19

Aikin	Formby
Beck	Isbell
Chadick	Kelley
Cotten	Lanning
Fain	Lovelady

Martin	Sulak
Mauritz	Weinert
Moffett	Winfield
Moore	York
Smith	

Present—Not Voting

Graves

Absent—Excused

Hill

Question then recurring on the motion of Senator Aikin, it prevailed.

Record of Vote

Senator Hazlewood asked that he be recorded as voting "nay" on the motion by Senator Aikin.

Conference Committee on House Joint Resolution 23

Senator Moffett called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. J. R. No. 23.

Senator Moffett moved that the request of the House be granted.

The motion prevailed.

Bills and Resolution Signed

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 983, A bill to be entitled "An Act repealing Article 1350, Revised Civil Statutes of Texas, 1925; amending Article 1351 so as to make the penalty therein provided apply specifically to Articles 1348 and 1349, Revised Civil Statutes of Texas, 1925; amending Article 1351, Revised Civil Statutes and Article 213, Penal Code of Texas, to prohibit corporations, their officers, directors, stockholders, employees and agents acting in their behalf from expending or promising to expend any money or thing of value in order to aid or hinder the nomination or election of any person to public office or to influence the vote on any question submitted to the voters; providing for an exception in elections directly affecting the granting, refusing, existence, or value of a franchise of a corporation which has the right of eminent domain, and providing that in such elections, all means of publicity employed by such corporation shall be identified as pay for

by it; providing for the filing of accounts of expenditures made in connection with such elections by corporations, persons, partnerships and associations, and limiting the amount thereof; providing penalties for corporations, their officers, directors, stockholders, employees and agents violating this Act and increased penalties and forfeiture of character or permit of such corporation on second and subsequent violations; providing penalties for persons, partnerships and associations failing to make or falsely making required reports of expenditures in certain elections or exceeding authorized limits thereof; and declaring an emergency."

S. B. No. 163, A bill to be entitled "An Act providing for and regulating appropriations from moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing for an annual appropriation of Three Hundred Twenty-five Thousand (\$325,000) Dollars for each of the fiscal years beginning September 1, 1941, and September 1, 1942, respectively, and for the allocation thereof; and declaring an emergency."

S. B. No. 469, A bill to be entitled "An Act amending S. B. No. 409, being Chapter 53, page 64, of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, relating to the 'County Court of Galveston County at Law,' transferring the jurisdiction of this Court to the County Court of Galveston County; providing for additional compensation for the county judge and county clerk; and declaring an emergency."

S. C. R. No. 73, Authorizing correction of H. B. No. 983.

Senate Bill 494 on First Reading

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Ramsey
Isbell	Shivers
Kelley	Smith
Lanning	Spears
Lemens	Stone
Lovelady	Sulak
Martin	Van Zandt
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York

Absent—Excused

Hill

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Moore:

S. B. No. 494, A bill to be entitled "An Act amending Article 1738 of the Revised Civil Statutes of 1925, providing for the transfer by the Supreme Court of cases from one Court of Civil Appeals to another; and declaring an emergency."

Senate Bill 493 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 493 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 493, A bill to be entitled "An Act authorizing the allowance of traveling expenses for members of the commissioners' court in certain counties; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Recess

Senator Lanning moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Van Zandt moved that the Senate recess to 3:00 o'clock p. m. today.

Question first recurring on the motion of Senator Lanning, yeas and nays were demanded. The motion was lost by the following vote:

Yeas—7

Chadick	Formby
Cotten	Isbell

Lanning
Martin

Winfield

Nays—20

Aikin
Beck
Brownlee
Fain
Graves
Hazlewood
Kelley
Lemens
Lovelady
Mauritz

Metcalf
Moffett
Moore
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
York

Absent

Ramsey
Spears

Weinert

Absent—Excused

Hill

Question next recurring on the motion of Senator Van Zandt, it prevailed. The Senate, accordingly, at 12:10 o'clock p. m., took recess to 3:00 o'clock p. m. today.

Afternoon Session

The Senate met at 3:00 o'clock p. m. and was called to order by the President.

Bills and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 73, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, as enacted by Acts of the Second Called Session of the Thirty-eighth Legislature in 1923, as amended by Acts of 1935, Forty-fourth Legislature, First Called Session, Chapter 424, as amended by the Acts of 1937, Forty-fifth Legislature, Chapter 60; providing that any person who drives or operates an automobile or other motor vehicle upon any public road or highway, or upon any street or alley within the limits of an incorporated city, town, or village, while such person is intoxicated or under the influence of intoxicating liquors, shall be guilty of a misdemeanor; reducing the maximum penalty pro-

vided in said Article from a penitentiary offense to a fine or jail sentence, and increasing the minimum penalty thereof; and adding a new Article to be known as Article 802b, providing that if such person while operating or driving an automobile or other motor vehicle while in an intoxicated condition shall cause the death of another person, he shall be guilty of a felony and upon conviction be confined in the penitentiary for a period of not less than one nor more than five (5) years; and declaring an emergency."

H. B. No. 990, A bill to be entitled "An Act authorizing Gulf Coast counties in Texas having fifty thousand (50,000) population or more to construct, acquire, improve, operate and maintain causeways, bridges, tunnels or any combination thereof, including related properties and ferries, and to issue their revenue bonds payable solely from the revenues to be derived from the operation of such projects, making various provisions with respect thereto and with respect to the security and enforcement of such bonds, including provision for the execution of trust indentures, for the appointment of receivers for such projects, and for the deposit and security of funds in banks and trust companies; providing for approval of such bonds by the Attorney General; authorizing such counties to exercise the rights of condemnation in the manner provided; authorizing such counties to enter in agreements with the State or Federal Governments or any agencies or instrumentalities thereof; granting to such counties easements and rights of way in and over State lands and properties; providing for the management and control of such projects; providing that such projects and bonds shall be exempt from taxation; providing that the powers herein granted may be exercised without the consent or regulation of any State Department, commission or agency; authorizing the State Highway Commission to operate, maintain or lease such projects; authorizing the refunding of such bonds; validating existing agreements; making general provisions with respect to the above; and declaring an emergency."

H. C. R. No. 155, Granting John W. Hoch permission to sue the State.

Message from the House

A Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 194, Providing for suspension of the constitutional rule for the purpose of putting S. B. No. 301 into immediate effect without waiting for the expiration of the ninety-day period immediately following the adjournment of the current session of the Legislature.

H. C. R. No. 197, Authorizing correction of H. J. R. No. 1.

H. B. No. 1045, A bill to be entitled "An Act providing that it shall be unlawful to buy or sell any fish caught in Possum Kingdom Lake, located in Stephens, Palo Pinto and Young Counties or in any of the back waters; any person found guilty of this Act shall be fined not less than Five (\$5.00) Dollars, nor more than One Hundred (\$100.00) Dollars; and declaring an emergency."

H. B. No. 1049, A bill to be entitled "An Act, for the purpose of providing necessary regulations for the taking or possession of fish, or use of fishing tackle or gear, from the body of water impounded by Possum Kingdom Dam, which dam is situated in Palo Pinto County, Texas, and declaring it unlawful to fish in said body of water, possess, or dispose of fish taken therefrom, or possess fishing tackle, except in accordance with regulations issued under the directions given in this Act; providing a special license for those over seventeen (17) years of age who fish in Possum Kingdom Lake; providing for the disposition of funds collected from the sale of such special license; providing a suitable penalty for violation of any provision of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 1068, A bill to be entitled "An Act to amend Article X of H. B. No. 8, passed by the Regular Session of the Forty-seventh Legislature, placing a gross receipts tax upon the

retail sales of new radios and placing a stamp tax upon the sale of cosmetics and playing cards; and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 1060, to Committee on Counties and County Boundaries.

H. B. No. 1074, to Committee on Highways and Motor Traffic.

H. B. No. 1049, to Committee on Game and Fish.

H. B. No. 1045, to Committee on Game and Fish.

Conference Committee on Senate Bill 119

The President announced the appointment of the following conferees on S. B. No. 119: Senators Van Zandt, Brownlee, Beck, Kelley and Formby.

Conference Committee on House Joint Resolution 23

The President announced the appointment of the following conferees on H. J. R. No. 23: Senators Moffett, Aikin, Isbell, Lanning and Lemens.

Senate Bill 493 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 493, relating to the compensation of county commissioners in certain counties, on its passage to engrossment.

The bill was passed to engrossment.

Senate Bill 493 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 493 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin
Beck

Brownlee
Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Spears
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

House Concurrent Resolution 185

The President laid before the Senate and had read (the resolution having been received from the House on May 29, 1941):

H. C. R. No. 185, Authorizing correction in caption of enrolled copy of H. B. No. 922.

By unanimous consent, the resolution was considered and adopted at this time.

Conference Committee on Senate Concurrent Resolution 66

Senator Moffett called S. C. R. No. 66 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Moffett moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President appointed the following conferees on the resolution on the part of the Senate: Senators Moffett, Aikin, Isbell, Lemens and Lanning.

Senate Bill 492 on Second Reading

Senator Beck moved that the regular order of business be suspended, to permit consideration of S. B. No. 492 at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Mauritz
Beck	Metcalf
Cotten	Moffett
Fain	Moore
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Winfield
Martin	York

Nays—5

Brownlee	Smith
Formby	Weinert
Lovelady	

Absent

Chadick	Shivers
Kelley	Spears
Ramsey	

Absent—Excused

Hill

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 492, A bill to be entitled "An Act providing for and fixing compensation for county auditors in certain counties; and declaring an emergency."

The bill was read second time.

Senator Brownlee called for a full reading of the bill.

Senator Beck moved that a full reading of the bill be dispensed with.

The motion prevailed.

The bill was passed to engrossment.

Senate Bill 492 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 492 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—1

Brownlee

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—1

Brownlee

Absent—Excused

Hill

Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1060, A bill to be entitled "An Act creating Road District No. 6 of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid thereof; making it a body corporate and taxing district; describing said district by metes and bounds; reciting that it comprises a portion of the territory of Road District No. 2, of said county which has outstanding road bonds, and declaring that it is not intended by the creation of Road District No. 6 to interfere in any manner with the functioning of said Road District No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52 of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property taxpaying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas, and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, and amendments thereto; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

H. B. No. 524, A bill to be entitled "An Act amending Article 3899, Revised Civil Statutes of Texas, 1925, as amended by Chapter 311, Acts of the Forty-fourth Legislature, Regular Session, and Chapter 465, Acts of the Second Called Session, Forty-fourth Legislature, and by Chapter 498, Acts of Forty-fifth Legislature, to provide that premium on official bonds for county school superintendents, and hide and animal inspectors, and their deputies, shall be paid from county funds; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on Insurance to whom was referred

H. B. No. 996, A bill to be entitled "An Act amending Section 6 of H. B. No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature, as amended by H. B. No. 373, Chapter 264, page 651, Acts of the Regular Session of the Forty-fourth Legislature, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Brownlee, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 1074, A bill to be entitled "An Act to amend Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 9, Chapter 282, Acts of the Forty-second Legislature, Regular Session, prescribing the rate and speed of motor or other vehicles upon the public highways of Texas, and within the corporate limits of an incorporated city or town, and within any town or village not incorporated; prescribing the rate of speed for a tractor, trailer or semi-trailer; defining the terms 'daytime' and 'night time'; providing that no persons shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing and making unlawful the act of driving so as to wilfully obstruct traffic; authorizing the State Highway Commission to fix the maximum, reasonable and prudent speed under described circumstances upon the basis of an engineering and traffic investigation and requiring the Commission to give notice thereof by the erection of appropriate signs; authorizing the governing bodies of incorporated cities and towns to fix the maximum speed within their jurisdiction under certain circumstances; requiring the charge of speed violations and the summons to specify the rate of speed at which the person charged was driving and the speed limit applicable thereto; providing that the provisions of this Act shall not relieve the plaintiff in any civil action from the burden of proving negligence as the proximate cause of any accident; providing a savings clause, repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

Respectfully submitted,
BROWNLEE, Chairman.

Senator Aikin, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 490, A bill to be entitled "An Act to amend Section 4 of Article XVIII of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, to provide for the allocation of funds collected under Article XVIII of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, and to provide for the transfer and allocation of revenue previously collected and now held in suspense by the Insurance Commission, preparatory to distribution to certain funds; amending Section 2, Article XX of H. B. No. 8, Acts of the Forty-seventh Legislature, etc; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following reports:

Committee Room
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 611, A bill to be entitled "An Act to amend and re-enact S. B. No. 36, Acts, Forty-sixth Legislature, Regular Session, creating a State Department of Public Welfare for the State of Texas; prescribing its rights, powers, functions, and duties; creating and providing for a State Board of Public Welfare; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

MOORE, Chairman.

Committee Room
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1042, A bill to be entitled "An Act relinquishing to the City of Port Arthur, Texas, all right, title, and interest of the State of Texas in and to certain land described in H. B. No. 819, Special Laws, Forty-second Legislature, Chapter 181, approved May 18, 1931; amending Section 2 of said H. B. No. 819; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1043, A bill to be entitled "An Act granting to the City of Port Arthur, Texas, all right, title, and interest of the State of Texas to certain land within said City, and lying adjacent to the Sabine-Neches Canal and lying between said Canal and Sabine Lake and commonly known as the Canal Spoil Bank; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1013, A bill to be entitled "An Act to create the Liberty County Conservation and Reclamation District under the authority of Section 59 of Article 16 of the Constitution of Texas, for the purposes authorized by such section of the Constitution, including the control of the flood and

storm waters of the Trinity River and other streams and tributaries to prevent recurring floods and destruction of life and property; etc; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 494, A bill to be entitled "An Act amending Article 1738 of the Revised Civil Statutes of 1925, providing for the transfer by the Supreme Court of cases from one Court of Civil Appeals to another; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed but not otherwise printed.

MOORE, Chairman.

Senator Kelley, by unanimous consent, submitted at this time the following report:

Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1050, A bill to be entitled "An Act to amend Section 1 of H. B. No. 738 of the Thirty-fifth Legislature, Chapter 76, Acts 1917, Special Laws, page 295, so as to change the name of the 'Remlig County Line Independent School District' to 'Brookeland Independent School District'; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Senator Smith, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1045, A bill to be entitled "An Act providing that it shall be unlawful to buy or sell any fish caught in Possum Kingdom Lake, located in Stephens, Palo Pinto, and Young Counties or in any of the back waters; any person found guilty of violation of this Act shall be fined not less than Five (\$5.00) Dollars, nor more than One Hundred (\$100.00) Dollars; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Austin, Texas,
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1049, A bill to be entitled "An Act for the purpose of providing necessary regulations for the taking or possession of fish or use of fishing tackle or gear, from the body of water impounded in Possum Kingdom Dam, which dam is situated in Palo Pinto County, Texas, and declaring it unlawful to fish in said body of water possess, or dispose of fish taken therefrom, or possess fishing tackle, except in regulations issued under the direction given in this; providing a special license for those over seventeen (17) years of age who fish in Possum Kingdom Lake; providing for disposition of funds collected from sale of such special license; providing suitable penalty for violation of any provision of this Act; repealing conflicting laws; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back with recommendation that it do pass and be not printed.

SMITH, Chairman.

House Bill 1059 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1059 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1059, A bill to be entitled "An Act to amend Section 40 of S. B. No. 36, Acts of the Forty-sixth Legislature, to provide the effective date for making grants of aid and assistance to the needy blind and for destitute dependent children; making an appropriation for providing and administering aid to the blind for the period from May 1, 1941 to August 31, 1941, making an appropriation for providing and administering aid and assistance for destitute dependent children for the period from May 1, 1941, to August 31, 1941; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1059 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1059 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

Motion to Take up House Bill 942

Senator Shivers moved that the regular order of business be suspended to permit consideration of H. B. No. 942 at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Beck	Ramsey
Chadick	Shivers
Fain	Smith
Hazlewood	Stone
Kelley	Vick
Lemens	Weinert
Lovelady	Winfield
Mauritz	York
Moffett	

Nays—10

Aikin	Lanning
Brownlee	Metcalfe
Cotten	Moore
Graves	Sulak
Isbell	Van Zandt

Paired

Senator Formby (present), who would vote "nay" with Senator Hill (absent), who would vote "yea."

Senator Martin (present), who would vote "nay" with Senator Spears (absent) who would vote "yea."

House Bill 1012 on Second Reading

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1012 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1012, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of one hundred thousand (100,000) inhabitants, or more, according to the last preceding Federal Census, to issue bonds for the purpose of refunding any and all outstanding indebtedness of such county chargeable against the General Fund which existed on April 30, 1941; providing that items of indebtedness as of said date, in the form of scrip or time-warrants, either or both, may be included in such refunding bond issue; providing that such refunding bonds shall be first authorized by a majority vote cast by the duly qualified property taxpaying voters voting at an election held for that purpose; authorizing the levy of a tax to pay principal and interest on such bonds, and providing that the amount of bonds issued under this Act shall never reach an amount where a tax of five (5c) cents on the One Hundred (\$100.00) Dollars' valuation will not pay current interest and provide a sinking fund sufficient to redeem them at maturity; providing that the General Laws relative to county refunding bonds, not in conflict herewith, shall apply to the issuance, approval and certification, and registration of the bonds provided for in this Act; providing that if any Section, clause or phrase of this Act be held unconstitutional, such decision shall not affect the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1012 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1012 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Spears
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

Senate Bill 486 on Passage to Engrossment

Senator Kelley moved to call S. B. No. 486 from table for further consideration at this time.

The motion prevailed.

The President laid before the Senate on its passage to engrossment (the bill having been heretofore read second time and tabled subject to call):

S. B. No. 486, A bill to be entitled "An Act amending Section 1, of Chapter 196, General Laws, Forty-third Legislature, Regular Session, by adding thereto to sub-section to follow sub-section (5), and to be known as sub-section (6), providing that Federal employees stationed within this State by assignment to duty, shall be permitted to enroll

their children in State institutions of higher learning etc.; and declaring an emergency."

Senator Kelley offered the following amendment to the bill:

Amend S. B. No. 486 as follows:

By striking out everything below the enacting clause, and substituting in lieu thereof the following:

Section 1. Section 1, Chapter 196, General Laws, Acts of the Forty-third Legislature, Regular Session, is hereby amended by adding a sub-section to follow sub-section (5) and to be known as sub-section (6), to read as follows:

"(6) Officers, enlisted men, selectees or draftees of the Army, Army Reserve, National Guard, Navy, Naval Reserve, or the Marine Corps of the United States, who are stationed in Texas by assignment to duty within the borders of this State, shall be permitted to enroll their children in State institutions of higher learning by paying the tuition fees and other fees or charges provided for regular residents of the State of Texas, without regard to the length of time such officers, enlisted men, selectees or draftees have been stationed on active duty within the State."

Sec. 2. The fact that under the present emergency so many officers, enlisted men, selectees and draftees of the type herein above set out are stationed within this State, and while in residence here want to keep their children in school, and the further fact that to charge these children the regular out-of-state rate of tuition, under the circumstances, would be unfair, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Moore offered the following amendment to the bill:

Amend the amendment to S. B. No. 486 by adding at the end of sub-section (6) the following. "provided that this shall apply only to those persons whose states grant the same privileges to citizens of Texas under like conditions."

Senator Kelley moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10

Aikin	Mauritz
Beck	Metcalfe
Formby	Moffett
Kelley	Stone
Martin	Sulak

Nays—18

Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Graves	Van Zandt
Hazlewood	Vick
Isbell	Weinert
Lanning	Winfield
Lovelady	York

Absent

Lemens

Absent—Excused

Hill

Spears

The amendment was adopted.

The amendment as amended was adopted.

The bill was passed to engrossment.

Senate Bill 486 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 486 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Nays—2

Graves	Vick
Absent—Excused	
Hill	Spears

House Bill 515 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 515 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 515, A bill to be entitled "An Act applicable to the County of Tom Green, State of Texas, prohibiting the transportation of minnows beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the limits of said county; prohibiting the use of trotlines or throwlines containing more than twenty-five (25) hooks; limiting the use of such lines to a maximum of two such lines to any person or group of persons; providing for a closed season on fishing in said county; with certain exceptions; providing legal length of catfish in said county; providing the daily bag limit of catfish; providing penalties for any violation of this Act; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 515 by adding after Section 7 a new Section to be

numbered Section 8, and reading as follows:

"Section 8. The provisions of this Act shall expire June 1, 1943."

And renumber the subsequent Section to conform.

Amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

House Bill 515 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 515 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill	Spears
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House Bill 1049 on Second Reading

Senator Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1049 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Nays—2

Lanning Moffett

Absent—Excused

Hill Spears

The President laid H. B. No. 1049 before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 1049 on Third Reading

The President then laid H. B. No. 1049 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Nays—2

Lanning Moffett

Absent—Excused

Hill Spears

Senate Bill 183 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 183 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 183, A bill to be entitled "An Act declaring the floods of Colorado County, Texas, to be a public calamity; authorizing an adoption and grant to Colorado County of one-half of the State ad valorem taxes collected in Colorado County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; etc.; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Yeas and nays were demanded and the bill was passed to engrossment by the following vote:

Yeas—15

Beck	Lovelady
Brownlee	Mauritz
Chadick	Metcalf
Fain	Moore
Hazlewood	Ramsey
Kelley	Stone
Lanning	Sulak
Lemens	

Nays—11

Aikin	Moffett
Cotten	Smith
Formby	Vick
Graves	Weinert
Isbell	Winfield
Martin	

Absent

Shivers York
Van Zandt

Absent—Excused

Hill Spears

Senate Bill 183 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 183 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Nays—2

Aikin	Moffett
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Absent

Shivers	York
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Absent—Excused

Hill	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—16

Beck	Metcalfe
Brownlee	Moore
Fain	Ramsey
Hazlewood	Smith
Kelley	Stone
Lanning	Sulak
Lovelady	Van Zandt
Mauritz	Weinert

Nays—11

Aikin	Lemens
Chadick	Martin
Cotten	Moffett
Formby	Shivers
Graves	Winfield
Isbell	

Absent

Vick	York
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Absent—Excused

Hill	Spears
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House Concurrent Resolution 128

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 128 at this time.

The President then laid before the Senate:

H. C. R. No. 128, Granting W. C. Kulp and B. H. Kulp, composing a partnership operating under the firm name of Kulp Bros., permission to bring suit against the State of Texas.

The resolution was read.

Senator Hazlewood offered the (committee) amendment to the resolution:

Amend H. C. R. No. 128 by adding thereto the following paragraph:

"However, it is to be understood that the purpose of this resolution is to grant permission to said W. C. and B. H. Kulp, their heirs, executors, administrators, and assigns to bring suit against the State of Texas and/or the State Highway Department, and no admission of liability of the State of Texas and/or the State Highway Department is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

Senate Bill 489 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 489 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 489, A bill to be entitled "An Act declaring the floods of Jackson County, Texas, to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half (½) of the State ad valorem taxes collected in Jackson County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of

issuance thereof; providing the procedure hereunder for all matter relating to said donation; making the Act cumulative of existing laws; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—15

Brownlee	Moore
Fain	Ramsey
Hazlewood	Stone
Kelley	Sulak
Lanning	Van Zandt
Lovelady	Vick
Mauritz	Weinert
Metcalfe	

Nays—13

Aikin	Lemens
Beck	Martin
Chadick	Moffett
Cotten	Shivers
Formby	Winfield
Graves	York
Isbell	

Absent

Smith

Absent—Excused

Hill

Spears

Senate Bill 489 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 489 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Nays—3

Aikin	Shivers
Moffett	

Absent—Excused

Hill

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—15

Brownlee	Moore
Fain	Ramsey
Hazlewood	Stone
Kelley	Sulak
Lanning	Van Zandt
Lovelady	Vick
Mauritz	Weinert
Metcalfe	

Nays—14

Aikin	Lemens
Beck	Martin
Chadick	Moffett
Cotten	Shivers
Formby	Smith
Graves	Winfield
Isbell	York

Absent—Excused

Hill

Spears

Senate Bill 270 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 270 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 270, A bill to be entitled "An Act appropriating the sum of One Hundred Thousand (\$100,000.00) Dollars, or as much thereof as may be necessary for a period not to exceed two years, to the State Department of Health for laboratory supplies and services, and for improving sanitary and health conditions and enforcing health rules and regulations in areas adjacent to army camps, naval bases, flying fields, munition factories, airplane factories, and other defense areas in Texas; give technical assistance to armed forces in Texas; authorizing the State Health Officer to use present

presonnel and employ additional personnel and purchase supplies or equipment in accordance with existing laws; authorizing the State Health Officer to accept donations or rents, royalties, and uses of land, materials, money, etc.; Health Officer to make biennial report of all donations and expenditures made in pursuance of this Act; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill:

Amend S. B. No. 270 by striking out "Section 2" and inserting in lieu the following:

"Section 2. The several sums of money herein specified or so much thereof as may be necessary, may be expended for the following purposes and not otherwise; for the first year following the effective date of this Act:

COOPERATIVE LABORATORY SERVICE

Salaries:

1. Field director	\$ 3,600.00
2. Stenographers (2) at \$1,350.00 each.....	2,700.00
3. Travel, field director.....	1,800.00
4. Subsidy for approved cooperative volunteer local laboratories	22,800.00
5. Supplies and equipment.....	15,000.00

MOBILE LIMIT

Salaries:

1. Director	\$ 4,500.00
2. Engineers (6) at \$2,400.00 each.....	14,400.00
3. Chemist-Bacteriologist	2,100.00
4. Milk supervisor	2,400.00
5. Food and drug inspectors (3) at \$1,800.00.....	5,400.00
6. Stenographers (2) at \$1,350.00.....	2,700.00

TRAVEL

7. Director	1,500.00
8. Engineers (6) at \$1,500.00.....	9,000.00
9. Chemist-Bacteriologist	900.00
10. Milk supervisor	1,500.00
11. Food and drug inspectors (3) at \$1,500.00.....	4,500.00
12. Stenographers (2) at \$900.00.....	1,800.00

OTHER EXPENSES

13. Contingent	3,400.00
TOTAL FOR FIRST 12 MONTHS.....	\$ 100,000.00

The \$100,000.00 herein appropriated for the second year following the effective date of this Act may be expended in the same manner and for the same purposes as above specified and for no other purpose.

Senator Aikin offered the following amendment to the amendment:

Amend the amendment to the bill by striking out "lines 44, 45 and 46" of the printed bill.

The amendment to the amendment was adopted.

Question—Shall the (committee) amendment as amended be adopted?

Senate Resolution 154

Senator Vick, by unanimous consent, offered the following resolution at this time:

Whereas, The Senate of the State of Texas acknowledges the Honorable Reverend G. P. Comer of Waco, Texas, who being a true and loyal servant of God and is giving the youth of his life serving his God and fellow citizens, always being an inspiration to all who aspire to a life of service to his community, State and country and being courteous to all who know him; and

Whereas, He is serving the State of Texas in his beneficial work as a messenger of God and will remain forever in the minds and hearts of those who know him. His counsel and leadership is eagerly sought and followed by citizens in all walks of life; now, therefore, be it

Resolved, That Reverend G. P. Comer be extended the privilege of the floor of the Senate of Texas.

By unanimous consent, the resolution was considered and adopted at this time.

House Concurrent Resolution 190

The President laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 190, Authorizing certain corrections in enrolled copy of H. B. No. 360.

By unanimous consent, the resolution was considered and adopted at this time.

Senate Bill 494 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 494 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill Spears

The President laid S. B. No. 494 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 494 on Third Reading

The President then laid S. B. No. 494 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill Spears

Adjournment

On motion of Senator Winfield, the Senate, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SEVENTY-FIRST DAY

(Wednesday, June 4, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.